

NOV 16 2005

Serial No.: 10/702,187

Docket No.: FUU 0017 VA/40929.68

Remarks

Claims 1-23 are pending in the application. Claims 1-16, and 23 are rejected. Claims 19-22 are allowed. As stated in the previous office action, the examiner indicated claims 17 and 18 recite limitations not taught by the prior art, but objected to these claims for being dependent on rejected claim 1. Pursuant to the examiner interview conducted on 11/14/05, wherein the examiner and the applicants' representative, Matt Molloy, discussed the pending claims, the cited art, and the Office Action, claims 1, 4, 16, and 23 are amended herein for clarification. Claim 23 has not been conceded as the examiner asserts. No new matter has been entered.

Claims 1-17 are rejected under 35 U.S.C. § 112, first and second paragraphs. In the office action, the examiner rejected claims 1-12, 15, 16, and 23 under § 102(b) as being anticipated by Crane (U.S. 3,363,390). Claims 1 and 13 were rejected under § 103(a) as being obvious in light of Dallaire (U.S. D263,754) and Crane. The Applicants respectfully traverse these rejections.

Independent claim 1 recites an article-packaging member which defines an extruded cross section, wherein the extruded cross section extends along substantially an entire length of the packaging member. The extruded cross section comprises, *inter alia*, a structural framework formed of a relatively rigid extruded plastic material, a bundling channel formed in the extruded cross section along an exterior face of said article-packaging member, and a plurality of non-facing pliable projections. As claimed in *both independent claims 1 and 23*, the plurality of non-facing pliable projections are formed of a relatively pliable plastic material and extend from outer surfaces of the structural framework that are outside of the bundling channel. The pliable projections are configured to enhance friction between the article-packaging member and a surface engaged by the article packaging member. It is noted that the presently pending claims do not preclude the presence of pliable projections within the channel but do positively recite

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that the pliable projections extend from portions of the structural framework that are outside of the bundling channel.

Rejection under 35 U.S.C. § 112 ¶¶ 1, 2

Claims 1-17 were rejected under § 112 under the argument that the language "non-opposing" fails to comply with the written description requirement under 112 ¶ 1, and is also indefinite under 112 ¶ 2. The present claims do not recite the "non-opposing", thus these rejections are moot and should be withdrawn.

Rejection under 35 U.S.C. §§ 102(b) and 103

None of the cited references, singularly or in combination, teach all elements of independent claims 1 and 23. Furthermore, the examiner asserts that both Crane and Dallaire teach pliable projections; however, Crane and Dallaire both fail to teach or suggest a plurality of non-facing pliable projections extending from the outer surfaces of the structural framework. Furthermore, both references fail to teach or suggest that the pliable projections are configured to enhance friction between the article-packaging member and a surface engaged by the article packaging member. For further description of the pliable projections, see generally page 6, lines 8-24.

As shown in Figs. 2-5, Crane discloses flanges 15 (pliable projections) arranged in one or more pairs of facing flanges on the inner surface of the channel 13. (col. 2, lines 47-52). Thus, Crane teaches facing flanges, not non-facing flanges as recited in the claims. Furthermore, Crane discloses flanges inside a channel 13. This contradicts claims 1 and 23, which recite that

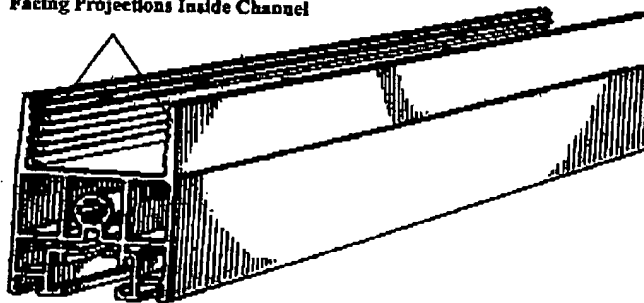
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the pliable projections are outside of the bundling channel. Crane also fails to teach that the pliable projections are configured to enhance friction between the article-packaging member and a surface engaged by the article packaging member. Accordingly, Crane does not anticipate the claimed invention, because Crane fails to teach all elements of the claimed invention.

As shown below, Dallaire comprises the same deficiencies as Crane in that it discloses a channel comprising projections, wherein the projections are arranged in facing pairs.

Facing Projections Inside Channel



Thus, Dallaire does not teach non-facing pliable projections on the outer surface of the structural framework as claimed, and further fails to teach projections outside of the channel. Moreover, Dallaire does not teach that the pliable projections are configured to enhance friction between the article-packaging member and a surface engaged by the article packaging member. As a result, Dallaire does not anticipate independent claims 1 and 23. Because Crane and Dallaire, singularly or in combination, fail to teach or suggest all elements of the claimed invention, the rejections of claims 1 and 23 under 102(b) and 103(a) should be withdrawn.

The Applicants respectfully submit that the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

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Respectfully submitted,

DINSMORE & SHOHL LLP

By



James E. Beyer

Registration No. 39,564

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402
Telephone: (937) 449-6400
Facsimile: (937) 449-6405